

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

ERIKA J. LOCKETTE, *
Plaintiff, *
vs. *
COLUMBUS CONSOLIDATED *
GOVERNMENT, *
Defendant. *

O R D E R

Plaintiff Erika Lockette alleges that she is employed by the Columbus Consolidated Government ("CCG") in the Juvenile Court of Muscogee County. She asserts claims against her alleged employer, CCG, for race and age discrimination and retaliation pursuant to Title VII of the Civil Rights Act of 1964 ("Title VII"), as amended, 42 U.S.C. § 2000e *et seq.*, and the Age Discrimination in Employment Act of 1967 ("ADEA"), 29 U.S.C. § 621 *et seq.* Defendant seeks dismissal of Plaintiff's Complaint, contending that CCG is not Plaintiff's employer and that the actions taken against her were taken by employees of the Juvenile Court of Muscogee County, acting in their capacity as state officers and not as agents of CCG. Defendant seeks dismissal of Plaintiff's age discrimination claim because she

never presented that claim to the EEOC and thus has failed to exhaust her administrative remedies as to that claim.

Defendant's motion to dismiss Plaintiff's Title VII discrimination and retaliation claims must be denied. Although the record may be different at summary judgment, the present record, which is restricted to the allegations in Plaintiff's Complaint, establishes that discriminatory and retaliatory adverse employment actions were taken against her as an employee of CCG. Plaintiff has clearly stated a claim under Title VII, and CCG's motion to dismiss her race and retaliation Title VII claims is denied.

Plaintiff never mentioned an age discrimination claim in her EEOC charge. Therefore, the Court finds that she has failed to exhaust her administrative remedies as to that claim, and it must be dismissed. Plaintiff's other claims for race discrimination and retaliation are reasonably connected to her charge of discrimination, and those claims shall not be dismissed at this time. Defendant's motion to dismiss (ECF No. 7) is granted as to Plaintiff's ADEA claim and is denied in all other respects.

IT IS SO ORDERED, this 9th day of November, 2017.

S/Clay D. Land

CLAY D. LAND

CHIEF U.S. DISTRICT COURT JUDGE
MIDDLE DISTRICT OF GEORGIA